



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,906	09/19/2003	Kurt Wullenweber	L0448.10.U	8526

29633 7590 12/10/2004

ROGERS TOWERS, P.A.
1301 RIVERPLACE BOULEVARD, SUITE 1500
JACKSONVILLE, FL 32207

EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,906	Applicant(s) WULLENWEBER	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-33 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 15-18 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 13, 14, 19, 20, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/03</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 10 and 21, "said shoulders" and "said depending detent members" lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hennessy. Hennessy teaches a pallet assembly (Fig. 1) comprising a metal base member (1,3,4,6) and a removable plastic deck member (7) joined to the base member via interlocking means (curved portions of 7 and 6) positioned within the perimeter of the assembly. The deck member having a flat load receiving surface.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fowler. Fowler teaches a pallet assembly (Fig. 1) comprising a metal base member (23; column 3, lines 48-56 wherein it is stated that the network could be made of metal) and a removable plastic deck member (7; column 3, lines 48-53) joined to the base member

via means (column 5, lines 53-62), some positioned within the perimeter of the assembly. The deck member also has a flat load receiving surface and the base member has a flat upper surface, rods/bars (see definition attachment wherein a rod need not be cylindrical but can also be a "bar") which make up the structure and apertures formed in between the rods/bars.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Skoff. As stated above, Fowler teaches the limitations of the pallet assembly of claim 1 including a metal base with apertures and a plastic deck member. For claims 2-7 and 11, Fowler fails to specifically teach interlocking means, i.e. lug members and apertures, that connect the base and member together. Skoff teaches a base (10; Fig. 2) with rods/bars (12,16,28) and apertures that attaches to a top member (76) via lugs (78,80) on the bottom portion of the member which extend through a respective aperture and connect to an adjacent bar/rod (86,84,87). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pallet assembly of Fowler by adding lug members on the bottom portion of the deck member (at various locations corresponding to various apertures/rods), such as is

taught by Skoff, to provide a specific means for attaching the member and base together in a secure but removable manner.

Claims 15-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Skoff. Fowler teaches a pallet assembly (Fig. 1) comprising a metal base member (23; column 3, lines 48-56 wherein it is stated that the network could be made of metal) and a removable plastic deck member (7; column 3, lines 48-53) joined to the base member via means (column 5, lines 53-62), some positioned within the perimeter of the assembly. The deck member also has a flat load receiving surface and the base member has a flat upper surface, rods/bars (see definition attachment wherein a rod need not be cylindrical but can also be a "bar") which make up the structure and apertures formed in between the rods/bars. For claims 15-18 and 22, Fowler fails to specifically teach interlocking means, i.e. lug members and apertures, that connect the base and member together. Skoff teaches a base (10; Fig. 2) with rods/bars (12,16,28) and apertures that attaches to a top member (76) via lugs (78,80) on the bottom portion of the member which extend through a respective aperture and connect to an adjacent bar/rod (86,84,87). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pallet assembly of Fowler by adding lug members on the bottom portion of the deck member (at various locations corresponding to various apertures/rods), such as is taught by Skoff, to provide a specific means for attaching the member and base together in a secure but removable manner.

Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Skoll as applied to claims 2-7, 11, 15-18 and 22 above, and further in view of Munroe. As stated above, Fowler in view of Skoff teaches the limitations of the pallet assembly of claims 1-4 and 15, including a metal base with apertures and plastic deck member. For claims 12 and 23, Fowler in view of Skoff fails to teach a product receiving cavity in the plastic deck member. Munroe teaches a plastic deck member with product receiving cavities (44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pallet assembly of Fowler in view of Skoff by adding at least one cavity therein, such as is taught by Munroe (corresponding to one of the apertures in the base), to provide a means for holding an article on the deck member, preventing lateral shifting thereof, etc.

Allowable Subject Matter

Claims 8, 9, 13, 14, 19, 20, 24, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 26-33 are allowed. (The allowable subject matter being the pallet assembly including a metal base with apertures and a plastic deck member with depending lug members which are situated in respective apertures. The upper surface

Art Unit: 3637

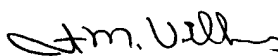
of the base comprises a plurality of spaced structural members which define the width of the apertures. The depending lug members each comprise at least one detent member, wherein the width of the depending lug members in a direction containing the at least one detent member is greater than the corresponding width of the apertures in the upper surface of the metal base member in such direction.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
December 6, 2004


JANET M. WILKENS
PRIMARY EXAMINER
1264363

BEST AVAILABLE COPY

The American Heritage
Dictionary
2nd College Edition



rodeo

rock-ribbed (rɒk'ribd') *adj.* 1. Having rocks or rock outcroppings. 2. Stern and unyielding.

rock-rose (rɒk'roz') *n.* Any of various plants or shrubs of the genus *Helianthemum* and related genera, having roselike yellow, white, or reddish flowers.

rock salt *n.* Common salt, essentially sodium chloride, occurring in large solid masses.

rock-shaft (rɒk'shaft') *n.* A shaft that oscillates or rocks upon its bearings but does not revolve.

rock-weed (rɒk'wed') *n.* Any of several coarse, brownish seaweeds of the genera *Fucus* and *Ascophyllum* that grow on rocks in coastal areas.

rock-work (rɒk'wɜ:k') *n.* 1. A natural mass of rocks. 2. Stonework imitating the irregular surface of natural rocks.

rocky¹ (rɒk'te) *adj.* -ier, -est. 1. Consisting of, containing, or abounding in rock or rocks. 2. Resembling or suggesting rock; firm or hard. 3. Marked by obstructions or difficulties: *the rocky road to success.* —**rocky**¹-ness *n.*

rocky² (rɒk'te) *adj.* -ier, -est. 1. Inclined or prone to sway or totter; unsteady or shaky. 2. Weak, dizzy, or nauseated. —**rocky**²-ness *n.*

Rocky Mountain goat *n.* The mountain goat.

Rocky Mountain sheep *n.* The bighorn.

Rocky Mountain spotted fever *n.* An acute infectious disease caused by a microorganism, *Rickettsia rickettsii*, transmitted by ticks, characterized by muscular pains, high fever, and skin eruptions, and endemic throughout North America.

ro-co-co (rə-kɔ'kɔ, rɒ'kə-kɔ') *adj.* 1. Of or relating to an artistic style originating in 18th-century France and characterized by fanciful asymmetric ornamentation. 2. Excessively elaborate; ornate. 3. *Mus.* Of or relating to a 18th-century style immediately following the baroque in Europe. —*n.* Rococo style or work. [*Fr.*, alteration of *rocaille*, *rockwork* < *roc*, *rock*, var. of *roche* < *OFr.*]

rod (rɒd) *n.* 1. A straight, thin piece or bar of material such as metal or wood. 2. A shoot or stem cut from or growing as part of a woody plant. 3. a. A stick or bundle of sticks used for whipping. b. Punishment; correction. 4. A fishing rod. 5. A scepter or staff symbolizing power or authority; wand. 6. Power or dominion, esp. of a tyrannical nature. 7. A metal bar in a machine: a *piston rod*. 8. A measuring stick. 9. A leveling rod. 10. A lightning rod. 11. A divining rod. 12. a. A linear measure equal to 5.5 yards, 16.5 feet, or 5.0 meters. b. A unit of measure equal to 30.25 square yards. 13. *Anat.* Any of various rod-shaped cells in the retina that respond to dim light. 14. *Microbiol.* An elongated microorganism. 15. *Slang.* A pistol or revolver. 16. A drawbar under a freight car. [*ME* *rodd* < *OE*]

rodent (rɒd'nt) *n.* Any of various mammals of the order Rodentia, such as a mouse, rat, squirrel, or beaver, characterized by large incisors adapted for gnawing or nibbling. —*adj.* 1. Gnawing. 2. Of or pertaining to rodents. [*< NL Rodentia*, order name < Lat. *rodens*, pr. part. of *rodere*, gnaw.]

rodent-ticide (rɒ-dɛn'ti-sid') *n.* An agent used to kill rodents.

ro-de-ro (rɒ'dɛ-ɔ', rɒ-də'ɔ') *n., pl. -os.* 1. A cattle roundup. 2. An enclosure for keeping cattle that have been rounded up. 3. A competition in which cowboys display skills such as riding broncos or lassoing. [*Sp. < rodear*, to surround. Lat. *rotare*, to rotate < *rota*, wheel.]

rod-o-mon-tade also **rhod-o-mon-tade** (rɒd'ə-mɒn-tā-tād', rɒ'də-) *n.* Pretentious boasting or bragging; bluster. —*adj.* Pretentiously boastful or bragging. —*intr.v.* -tad-ing, -tades. To boast or brag; bluster. [*OFr. < OIt. rodomontata* < *Rodomonte*, a character in *Orlando Innamorato*, by Matteo Boiardo (1434-1494).]

roe¹ (rɒ) *n.* 1. The egg-laden ovary of a fish. 2. The egg mass of certain crustaceans, such as the lobster. 3. Soft roe. [*row*.]

roe² (rɒ) *n.* The roe deer. [*ME* *ro* < *OE* *rā*]

roe-buck (rɒ'bʊk') *n.* A male roe deer.

roe deer *n.* A rather small, delicately formed Eurasian deer. *Capreolus capreolus*, having a brownish coat and short branched antlers in the male.

roentgen also **röntgen** (rɛnt'gɛn, -jɛn, rʊnt'-) *n.* *Phys.* An obsolete unit of radiation dosage equal to the quantity of ionizing radiation that will produce one electrostatic unit of electricity in one cubic centimeter of dry air at 0°C standard atmospheric pressure. [After Wilhelm Konrad Roentgen (1845-1923).] —**roentgen**¹ *adj.*

roentgen-ize (rɛnt'gə-nīz', -jə-, rʊnt'-) *tr.v.* -ized, -izing, -es. To subject to the action of x-rays.

roentgeno- *pref.* X-ray: *roentgenography*. [*< ROENTGEN*]

roentgen-o-gram (rɛnt'gə-nə-ɡrām', -jə-, rʊnt'-) *n.* A roentgenogram.

roentgen-o-graph (rɛnt'gə-nə-ɡrāf', -jə-, rʊnt'-) *n.* A roentgenogram.

roentgen-o-graphy (rɛnt'gə-nə-ɡrə-fɪ-, -jə-, rʊnt'-) *n.* Radiography with the use of x-rays. —**roentgen-o-graphic** (-nə-ɡrāf'ik) *adj.* —**roentgen-o-graphic-ally** *adv.*

roentgen-o-logy (rɛnt'gə-nɔ-lə-jɪ-, -jə-, rʊnt'-) *n.* Radiology.

with x-rays. —*roent'g-
log'i-cal* *adj.* —*roent'g-
gist* *n.*
roent'gen-o-scope (rén
roskóp. —*roent'geno-
s'co-py* (—nós'ká-pé) *n.*
roent'gen-ther-a-py *n.*
The therapeutic use of
Roentgen rays. An x-
ro-ga-tion (rô'gá'shən) *n.*
prayer or supplication.
Rogation Day. 2. a. To
consult to the people's
rejection. b. A law prop-
osed. *[*Lat. rogatio* < *rogare* <
Rogation Day* *n.* *Eccles.*
preceding Ascension T-
ro-ga-to-ry (rô'gá-tôr'ē,
questioning. [*Fr. rogari*
rogare, to ask.]
rog'er (rôj'ər) *interj.* *adj.*
To state that a message has
code word for the letter
rogue (rôg) *n.* 1. An un-
person who is playful;
wandering beggar; vag-
mal, esp. an elephant t-
5. An organism, esp.
variation from a stan-
—*tr.* 1. To defraud. 2.
specimens) from a gr-
—*intr.* To remove un-
known.]
rogu-ery (rô'g-ē-rē) *n.*,
a rogue. 2. A mischiev-
rogues' gallery *n.* A
maintained in police i-
tions.
rogu-ish (rô'gish) *adj.*
fully mischievous. —
roll (rôll) *v.* rolled, roll-
muddy or cloudy by st-
disturb; vex. —*intr.* To
tion. [*Orig. unknown.*]
roll-y (rôll'ē) *adj.* —*er*,
rol-l-ster (rôl'stər) *intr.*
boisterous merry-making
blustering manner; sw-
< *OFr. rustre*, ruffian
rustic < *rust*, country.]
rol-la-mite (rôllá-mit')
hard cylindrical roller
strains with a flexib-
them in which the roll-
constraints with very i-
tions. [*ROL(L) + -ami*]
Ro-land (rô'lənd, rô'l-
Christians and neph-
against the Saracens;
role also rôle (rôl) *n.*
actor in a dramatic p-
expected social behav-
position. [*Fr. rôle* <
rotula, little wheel, di-
role model *n.* An im-
particular behavioral
role-play (rôl'plā') *v.*
the part of; act out.
roll-ing (rôll'ing, rôl-
muscular manipulat-
both bodily and en-
1979).]
roll (rôl) *v.* rolled, roll
along a surface by r-
turning over. 2. To tr-
3. To travel around a
4. a. To travel or be c-
stream: *The logs roll*
momentum: *The poli-*
by; elapse: *The day*
move as if in cycles:
move in a periodic re-
turn over and over: *The*
eyes usually qu-
with *frigh*t. 11. To tu-
axis. 12. To advance
late: *The waves roll*
to extend in gentle r-
14. To move or rock
walk with a swaying
shape of a ball or cyl-
flattened by or as if
make a deep, prolon-
make a sustained, t-
beat a drum in a cor-
pour or flow in a cor-

ā pat / ā pay / ār care / ā father / b bib / ch church / d deed / ē pet / ē be / f fife / g gag /
j judge / k kick / l lid, needle / m mum / n no, sudden / ng thing / ō pot / ō toe / ō paw, fo